

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE)	
APPLICATION OF THE FUEL)	
ADJUSTMENT CLAUSE OF EAST)	
KENTUCKY POWER COOPERATIVE,)	CASE NO. 2004-00212
INC. FROM NOVEMBER 1, 2003)	
THROUGH APRIL 30, 2004)	

O R D E R

Pursuant to 807 KAR 5:056, Section 1(11), IT IS HEREBY ORDERED that:

1. East Kentucky Power Cooperative, Inc. ("East Kentucky") shall appear at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, on September 16, 2004 at 9:00 a.m., Eastern Daylight Time, to submit itself to examination on the application of its fuel adjustment clause ("FAC") from November 1, 2003 through April 30, 2004. Neither opening statements nor witnesses' summaries of pre-filed testimony will be permitted.

2. East Kentucky shall notify its customers in writing of the date, time, place, and purpose of the hearing or shall publish such notice in accordance with 807 KAR 5:011, Section 8(5). East Kentucky shall file an Affidavit of Publication of Hearing Notice with the Commission on the day of the hearing.

3. East Kentucky shall, not later than 21 days from the date of this Order, file with the Commission an original and 4 copies of the information requested in the attached Appendix A. Each copy shall be placed in a bound volume with each item tabbed. When a number of sheets are required for an item, each sheet should be

appropriately indexed; for example, Item 1(a), Sheet 2 of 6. East Kentucky shall furnish with each response the name of the witness who will be available at the public hearing to respond to questions concerning each area of information requested. Careful attention shall be given to copied material to ensure its legibility.

4. Any party who wishes to file testimony in this proceeding or to request information from East Kentucky may petition the Commission for a procedural schedule.

5. All documents that East Kentucky filed with the Commission pursuant to 807 KAR 5:056, Section 1(7) and 1(9), during the period under review are incorporated by reference into the record of this proceeding.

6. The official record of the proceeding shall be by video only, unless otherwise requested by a party to this proceeding.

Done at Frankfort, Kentucky, this 23rd day of June, 2004.

By the Commission

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2004-00212 DATED JUNE 23, 2004

1. For the period from November 1, 2003 through April 30, 2004, list each vendor from whom coal was purchased and the quantities and the nature of each purchase (e.g., spot or contract).

2. For each generating station or unit for which a separate coal pile is maintained, state for the period from November 1, 2003 through April 30, 2004 the actual amount of coal burned in tons, actual amount of coal deliveries in tons, total KWH generated, and actual capacity factor at which the plant operated.

3. List all firm power commitments for East Kentucky from November 1, 2003 through April 30, 2004 for (a) purchases and (b) sales. This list shall identify the electric utility, the amount of commitment in MW, and the purpose of the commitment (e.g., peaking, emergency).

4. Provide a monthly billing summary for sales to all electric utilities for the period November 1, 2003 through April 30, 2004.

5. List East Kentucky's scheduled, actual, and forced outages between November 1, 2003 and April 30, 2004.

6. List all existing fuel contracts categorized as long-term (i.e., more than 1 year in length). Provide the following information for each contract:

- a. Supplier's name and address.
- b. Name and location of production facility.
- c. Date when contract executed.
- d. Duration of contract.

- e. Date(s) of each contract revision, modification or amendment.
 - f. Annual tonnage requirements.
 - g. Actual annual tonnage received since the contract's inception.
 - h. Percent of annual requirements received during the contract's term.
 - i. Base price.
 - j. Total amount of price escalations to date.
 - k. Current price paid for coal under the contract (i ÷ j).
7. a. Does East Kentucky regularly compare the price of its coal purchases with those paid by other electric utilities?
- b. If yes, state:
- (1) How East Kentucky's prices compare with those of other utilities for the review period.
 - (2) The utilities that are included in this comparison and their location.
8. What percentage of East Kentucky's coal, as of the date of this Order, is delivered by:
- a. rail?
 - b. truck?
 - c. barge?
9. a. State East Kentucky's coal inventory level in tons and in number of days' supply as of April 30, 2004.
- b. Describe the criteria used to determine number of days' supply.

c. Compare East Kentucky's coal inventory as of April 30, 2004 to its inventory target for that date.

d. If actual coal inventory exceeds inventory target by 10 days' supply, state the reasons for excessive inventory.

e. (1) Does East Kentucky expect any significant changes in its current coal inventory target within the next 12 months?

(2) If yes, state the expected change and the reasons for this change.

10. a. Has East Kentucky audited any of its coal contracts during the period from November 1, 2003 through April 30, 2004?

b. If yes, for each audited contract:

(1) Identify the contract.

(2) Identify the auditor.

(3) State the results of the audit.

(4) Describe the actions that East Kentucky took as a result of the audit.

11. a. Has East Kentucky received any customer complaints regarding its fuel adjustment clause during the period from November 1, 2003 through April 30, 2004?

b. If yes, for each complaint, state:

(1) The nature of the complaint.

(2) East Kentucky's response.

12. a. Is East Kentucky currently involved in any litigation with its current or former coal suppliers?

b. If yes, for each litigation:

(1) Identify the coal supplier.

(2) Identify the coal contract involved.

(3) State the potential liability or recovery to East Kentucky.

(4) List the issues presented.

(5) Provide a copy of the complaint or other legal pleading that initiated the litigation. If a copy has previously been filed with the Commission, provide the date on which it was filed.

c. State the current status of all litigation with coal suppliers.

13. a. During the period from November 1, 2003 through April 30, 2004, have there been any changes to East Kentucky's written policies and procedures regarding its fuel procurement?

b. If yes,

(1) What were these changes?

(2) Provide these written policies and procedures as changed.

(3) When were these changes made?

(4) Why were they made?

14. a. Is East Kentucky aware of any violations of its policies and procedures regarding fuel procurement that occurred prior to or during the period from November 1, 2003 through April 30, 2004?

b. If yes, for each violation:

(1) Describe the violation.

(2) Describe the action(s) that East Kentucky took upon discovering the violation.

(3) Identify the person(s) who committed the violation.

15. Identify all changes that occurred during the period from November 1, 2003 through April 30, 2004 in the organizational structure and personnel of the departments or divisions that are responsible for East Kentucky's fuel procurement activities.

16. a. Identify all changes that East Kentucky has made during the period under review to its maintenance and operation practices that also affect fuel usage at East Kentucky's generation facilities.

b. Describe the impact of these changes on East Kentucky's fuel usage.

17. List each written coal supply solicitation issued during the period from November 1, 2003 to April 30, 2004.

a. For each solicitation, provide the date of the solicitation, the type of solicitation (contract or spot), the quantities solicited, a general description of the quality of coal solicited, the time period over which deliveries were requested, and the generating unit(s) for which the coal was intended.

b. For each solicitation, state the number of vendors to whom the solicitation was sent, the number of vendors who responded, and the selected vendor. Provide the bid tabulation sheet or corresponding document that ranked the proposals.

(This document should identify all vendors who made offers.) State the reasons for each selection.

18. List each oral coal supply solicitation issued during the period from November 1, 2003 to April 30, 2004.

a. For each solicitation, state why the solicitation was not written, the date(s) of the solicitation, the quantities solicited, a general description of the quality of coal solicited, the time period over which deliveries were requested, and the generating unit(s) for which the coal was intended.

b. For each solicitation, identify all vendors solicited and the vendor selected. Provide the tabulation sheet or other document that ranks the proposals. (This document should identify all vendors who made offers.) State the reasons for each selection.

19. a. List all intersystem sales during the period under review in which East Kentucky used a third party's transmission system.

b. For each sale listed above,

(1) Describe how East Kentucky addressed for fuel adjustment clause reporting purposes the cost of fuel expended to cover any line losses incurred to transmit its power across the third party's transmission system.

(2) State the line loss factor used for each transaction and describe how such line loss factor was determined.

20. Describe each change that East Kentucky made during the period under review to its methodology for calculating intersystem sales line losses.